

REMARKS

Claims 22-44 are all the claims pending in the application, claims 1-20 having previously been cancelled, claim 21 having been cancelled by the present amendment, and claims 22-42 having been newly added by the present amendment. Claims 22 and 42 are the only independent claims. No new matter is submitted.

As an initial point, Applicant does not concede the position set out in the previous responses filed in this application. However, in addition to claiming the disclosed embodiments more completely, Applicant submits the foregoing new claims to advance prosecution in this case and to further clarify claimed subject matter.

Since the newly added claims have not yet been examined, Applicant offers the following comments with regard to various references cited in the most recent Office Action. It is noted that the last Office Action of June 14, 2007, cited Pecoraro (5,866,829), a Furman Sound publication (Furman), Stratton (6,538,185), and Gillaspay (5,506,371). The pending claims are believed to be patentable over these reference for at least the following reasons.

As a first point, independent claim 22 is directed toward a customizable aggregated floor controller and requires that “each controller module of said plurality of individual foot controller modules is configured to generate a non-audio control signal in response to user operation of said individual foot controller module.” The latest Office Action indicated that Furman discloses control signals to activate an audio effect. (Office Action of 6/14/07, pg. 2). Although Applicant respectfully disagrees that Furman discloses control signals, the “non-audio control signal” feature of claim 22 clearly defines over any such teaching of Furman.

Another difference is that claim 22 recites “a control signal interface adapted to transmit outgoing MIDI control signals. None of the currently cited references teach or suggest this MIDI feature.

Yet another difference relates to the claimed “a mounting frame comprising a plurality of predetermined mounting locations structured to simultaneously secure said plurality of individual foot controller modules in a reconfigurable mounting arrangement.” The Office Action refers to the pedal board assembly of Stratton to teach the “predetermined mounting locations” feature, and in particular, identifies the “top right corner” and the “top left corner” of the Stratton assembly. Applicant notes that Stratton describes situating the electrical box 27 in either of the identified locations. However, there is no discussion relating to situating the electrical box 27 in

both location simultaneously. Because of this shortcoming, Stratton therefore cannot teach or suggest the “simultaneously” feature of claim 22

In view of the above, independent claim 22 is believed patentable over the prior art of record. Independent claim 39 recites similar language, and is therefore believed to be patentable for similar reasons. Dependent claims 23-38 and 40-42 are further believed to be patentable at least by virtue of their respective dependencies on the patentable independent claims 22 and 39.

Various dependent claims

Notwithstanding the forgoing, Applicant provides the following additional comments with regard to various dependent claims.

Claim 23 recites “wherein at least some of said separate apertures are differently sized to secure differently sized controller modules of said plurality of individual foot controller modules.” Applicant’s review of the cited references finds a lack of teaching or suggestion with regard to this feature.

Claim 24 recites “wherein said plurality of predetermined mounting locations are structured to define uniformly spaced mounting holes.” Stratton simply discloses one electrical box 27 positioned in either of two locations. Assuming *arguendo* that the Stratton discloses a plurality of predetermined mounting locations, Applicant is unable to discern how this arrangement of Stratton can be “uniformly spaced.”

Claim 25 further requires that the plurality of mounting locations comprise a first group of mounting locations and a second group of at least one mounting location . . . “ wherein said length of at least some of said mounting locations of said first group is half of said length of at least some of said mounting locations of said second group.” Stratton does not have the required first and second groups, nor does it disclose a particular length of a mounting location of the first group. Claim 26 includes similar language and is distinguishable for similar reasons.

Claim 27 recites “said mounting frame is structured to receive a hierarchical frame to permit changing of the size of said separate apertures.” None of the references, including the pedal board assembly of Stratton, disclose such a feature. Indeed, the pedal board assembly of Stratton appears to be a fixed aperture arrangement.

Claim 28 recites “each of said separate apertures approximate the dimensions of an associated one of said plurality of individual foot controller modules.” Assuming *arguendo* that

Stratton discloses apertures, such apertures do not approximate the dimensions of electrical box 27.

Claim 34 recites “said foot-operated tactile control pad is a null/contact touchpad.” The Office Action refers to a “rocker-type” pedal and makes reference to various pedals shown in Pecoraro. Applicant submits that (1) the pedals of Pecoraro are not touchpads; and (2) even if they were, Pecoraro is silent as to a “null/contact touchpad” as specifically required by claim 34.

Pecoraro is similarly deficient with regard to the “pressure sensor” of claim 35. The Office Action does not identify the particular portion of the reference which provides such teachings. However, Applicant submits that even if the pedals of Pecoraro “will be activated in accordance with the pressure and/or impact,” as alleged in the Action, such an arrangement does not teach “a pressure sensor is coupled to said bottom side of said foot-operated tactile control pad.” Pecoraro is silent as to the use of a “pressure sensor,” much less one that is “coupled to said bottom side” as called for in claim 35. Such comments apply equally to the “impact sensor” recited in claim 36.

Further claims recite “a pressure-sensor array” (claim 37) a “strumpad” (claim 38) and an “impact sensor” (claim 39). To date, none of the Office Actions have identified where such features are disclosed in the cited references.

In view of the above, Applicant submits that the currently pending claims are in condition for allowance. Early issuance of a Notice of Allowance is respectfully requested. The Commissioner is hereby authorized to charge any additional fees which may be required in this application to deposit account No. 06-1135.

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Respectfully submitted,

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